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OFFICE OF PETITIONS

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In re Patent No. 7,553,448	:	DECISION ON REQUEST
Kumar et al.	:	FOR
Issue Date: June 30, 2009	:	RECONSIDERATION OF
Application No. 10/600,164	:	PATENT TERM ADJUSTMENT
Filed: June 19, 2003	:	and
Atty Docket No. 090900-0158	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on August 28, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand and thirty-seven (1037) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein**. The patent term adjustment is corrected to indicate that the term of the above-identified patent is extended or adjusted by **one thousand three (1003)** days.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on June 20, 2006 and ends on November 26, 2007, the day before the first RCE was filed, which amounts to 525 (not 526) days. See U.S.C. 154(b)(1)(B)(i).

Moreover, as the time taken up by the notice of appeal is excluded from the period of B-delay, the period of time between the day the Notice of Appeal was filed (September 27, 2007) until the day before the RCE was filed (November 26, 2007) is excluded (As discussed above, the date of filing of the RCE has already been excluded). This period constitutes 61 days.

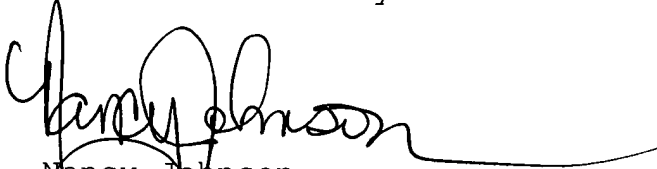
The Office has determined that there is no overlap.

As such, the patent term adjustment is increased by 464 (525 - 61) days to 1003, not 1037 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand three (1003) days**.

Telephone inquiries specific to this matter should be directed to Senior Attorney Paul Shanowski at (571) 272-3225.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,553,448 B2

DATED : June 30, 2009

DRAFT

INVENTOR(S) : Kumar et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 539 days

Delete the phrase "by 539 days" and insert – by 1003 days--